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O, Canada

Three Colloquia Look North of the Border

Canada was the source of a blizzard of ideas in three recent forums sponsored by UB's Canada-U.S. Legal Studies Centre. The programs solidified the Centre's reputation for serious international policy discussion. Students, faculty, the public and media representatives were among those who attended.

Chantal Hebert, a noted journalist for the French-language Montreal newspaper *Le Devoir* and a commentator with CBC Radio, posed a challenging thesis at the first event, on April 3. In an address titled "A Dream of a Nation: The View From Quebec," Hebert said it's likely that the Province of Quebec will gain its independence from Canada as early as 1993.

"Quebec has never been so close to going it alone," Hebert told an audience gathered at the Center for Tomorrow. "People are tired of this constitutional debate. They feel Quebec must settle its accounts with Canada one way or the other."

Once a poor cousin to economically powerful Ontario, Quebec now generates one-quarter of Canada's wealth. After a 1980 referendum on sovereignty for the province failed, she said, "Quebeckers spent time creating a business elite. The new religion in Quebec is business."

Now, she said, its economy is strong enough for the province to go it alone. And in 1993, Quebeckers

will be asked to vote in another referendum on independence.

"At one time, it was the poets who supported independence and the bankers who were federalists. Today, they are on the same side," Hebert said.

The province's largely French-speaking residents increasingly feel isolated and rejected by Canada's English-speaking majority, she said.

She cited the failure last summer of the Meech Lake constitutional amendment — an accord that sought to recognize Quebec's unique French culture. It was defeated when Manitoba and Newfoundland refused to endorse it.

"Canada is helping Quebec pack its bags," she said.

The 10-part 1991 Canadian Legal Studies Workshop Series ended on April 17, when another aspect of Canada's 9-year-old constitution was the subject for speaker Christie Jefferson, executive director of the Women's Legal Education Action Fund (LEAF), in Toronto. LEAF is a national women's organization that undertakes test cases in the Canadian courts, seeking to expand upon and refine the constitution's guarantees of equal treatment of women.

"We're framing a new approach to equality that we hold out some real hope for," Jefferson said. "Not only women's equality, but equality for

others as well — racial equality, fair treatment for people with disabilities, the list goes on."

Part of the Canadian constitution, the Charter of Rights and Freedoms, specifies that men and women be treated equally in employment, housing and other areas. A corollary states that this guarantee may not be construed as prohibiting affirmative action programs to rectify past inequities. This "purposive" approach to equality, Jefferson said, makes it possible to attack systemic discrimination without having to prove that the bias was established intentionally.

The charter is a bold statement to have adopted, especially compared with the failed Equal Rights Amendment to the U.S. Constitution. But whereas politicking and "what-if" scenarios dominated debate about the ERA, Canadians chose to make their statement of equality — and then let the lawyers go to court to fight out the specifics.

LEAF does just that. "We basically sue the government," Jefferson said wryly.

Attendees' questions ranged from the philosophical to the narrowly practical, said Jefferson, who called the forum "quite a fruitful experience. People were extremely interested in the ability of the Canadian wording to get at systemic discrimination," she said.

"I found a keen interest there in equality, and there's a lot of room for continued cooperation between

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organizations such as ours and the university."

The last forum, on April 26, addressed an issue at the heart of social policy in both Canada and the United States: health care, specifically access to long-term care.

Speakers and a discussion panel compared the two nations' approach to long-term care, including the ethical and legal dimensions of the issue. Participants included, among others, Gail Czukar of the Legal Services Branch of the Ontario Ministry of Health; David G. Schulke of the U.S. Senate's Special Committee on Aging; and Professor Lee A. Albert, associate dean of the University at Buffalo Law School. Law Professor Anthony Szczygiel, who supervises the Legal Services for the Elderly Clinic in the Law School, was moderator. About 75 health professionals and law students attended.

"There's a lot of politically oriented polemics floating around in

the U.S. now about the Canadian system of health care," said John Feather, director of the Western New York Geriatric Education Center, which co-sponsored the forum. "The conference was designed to bring people in the U.S. up to date with what's going on in long-term care in Canada.

"The reason we chose access to long-term care is that it's a general negative accusation made toward the Canadian system: the accusation that the way they save money is by blocking access to long-term care."

Even Canadians, Feather said, concede that access to long-term care is one weak point in that country's government-run health insurance system. Too little long-term care — everything from a nursing home stay to home care by a nurse — is available to meet people's needs, and thus there are waiting lists for many such services.

Nevertheless, Feather said, it's a system that works better than the United States'. Here, he said, a major problem for elderly people is coordination of care: "People who

need a variety of services over a long period of time have real trouble in putting those services together." By contrast, in Canada the government is the only payer, so an individual's health care "account" is more easily coordinated.

"Their system flows together, but there are still gaps and holes in it," he said.

Feather also stressed that there's no such thing as the Canadian system, pointing out that health care administration differs widely among the various provinces.

Feather said David G. Schulke's comments on "The Canadian Experience: How Relevant to the American Scene?" suggested that health care reform in the States may be closer than otherwise thought.

"The pressure to do something about access to care has broadened," Feather said. "On a national scale, the focus is shifting from the elderly to the uninsured. Politically, that's a very important shift. The 60 million people who can't get health insurance are mainly working, middle-class people." ■



Professor Lee A. Albert, right, participates on panel discussing long-term health care.